

REMARKS

The Applicants have studied the Office Action dated June 17, 2004 and have made amendments to the claims to distinctly claim and particularly point out the subject matter which the Applicants regard as the invention. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Claims 1-19 have been cancelled without prejudice or disclaimer. By virtue of this amendment, claims 20-37 are pending. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

- (1) noted the IDS is in compliance with the provisions of 37 CFR 1.97;
- (2) objected to FIG. 2 for not being designated with – Prior Art –;
- (3-4) rejected claims 1, 3, 4, 11, 13, 14, and 19 under 35 U.S.C. §112, first paragraph;
- (5-6) rejected claims 1, 7, 11, 17 and 19 under 35 U.S.C. §112, second paragraph;
- (7-8) rejected claims 1-5, 7-15, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over Guturu et al (U.S. 6,581,075 B1); and
- (9) rejected claims 6 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Guturu et al (U.S. 6,581,075 B1 in view of Applicants' Admitted Prior Art.

(1-2) IDS and FIG. 2

The Applicants wish to thank Examiner Pham for noting the IDS is in compliance with provisions of 37 CFR 1.97. As noted above, the Examiner's permission is requested to designate FIG. 2 by a legend –Prior Art–. No new matter has been added. As required under 37 CFR 1.84 an "Annotated Sheet Showing Changes" and a "Replacement Sheet" for Figure 2 is attached hereto. Accordingly, the Applicants submit that the drawings are within compliance of MPEP §608.02(g) and the Examiner's objection to FIG.2 should be withdrawn.

(3-4) Rejection Under 35 USC § 112, First Paragraph

As noted above, the Examiner rejected claim 1, 3, 4, 11, 13, 14, and 19 under 35 U.S.C. §112, first paragraph. Claims 1-19 have been cancelled without prejudice or disclaimer. Support for new claims 20-37 can be found in the specification at FIGs 6A, 6B, 7 and 8 along with pages 13-18 of the specification as originally filed. The Applicants respectfully submit that the Examiners rejection has been rendered moot and has been overcome.

(5-6) Rejection Under 35 USC § 112, Second Paragraph

As noted above, the Examiner rejected claim 1, 7, 11, 17 and 19 under 35 U.S.C. §112, second paragraph. Claims 1-19 have been cancelled without prejudice or disclaimer. The Applicants respectfully submit that the Examiners rejection has been rendered moot and has been overcome.

(7-8) Rejection under 35 U.S.C. §103(a) over Guturu

As noted above, the Examiner rejected claims 1-5, 7-15, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over Guturu et al (U.S. 6,581,075 B1). Claims 1-19 have been cancelled without prejudice or disclaimer. Applicants submit that newly added claims 20-37 distinguish over Guturu.

Further, Applicants have submitted a declaration under 37 C.F.R. 1.131 herewith to overcome Guturu. The effective filing date of January 10, 2002 for the subject patent application is not more than one year after the issue date of June 17, 2003 of the Guturu patent. Accordingly, it is respectfully submitted that the rejection of claims 1-5, 7-15, and 17-19 under 35 U.S.C. §103(a) should be withdrawn.

(9) Rejection under 35 U.S.C. §103(a) over Guturu and Admitted Prior Art

As noted above, the Examiner rejected claims 6 and 16 under 35 U.S.C. § 103(a) as being unpatentable over unpatentable over Guturu et al (U.S. 6,581,075 B1) in view of

Applicants' Admitted Prior. Claims 1-19 have been cancelled without prejudice or disclaimer. Applicants submit that newly added claims 20-37 distinguish over Guturu.

Further, Applicants have submitted a declaration under 37 C.F.R. 1.131 herewith to overcome Guturu. The effective filing date of January 10, 2002 for the subject patent application is not more than one year after the issue date of June 17, 2003 of the Guturu patent. Accordingly, it is respectfully submitted that the rejection of claims 6 and 16 under 35 U.S.C. § 103(a) as being unpatentable over unpatentable over Guturu et al (U.S. 6,581,075 B1) in view of Applicants Admitted Prior Art should be withdrawn.

CONCLUSION

The remaining cited references have been reviewed and are not believed to effect the patentability of the claims as amended.

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR § 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.


Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are

allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully Submitted,

Date: September 17, 2004

By: 
Attorney for the Applicants
Jon A. Gibbons
(Reg. No. 37,333)

Customer Number 23334
Fleit, Kain, Gibbons, Gutman,
Bongini & Bianco P.L.
One Boca Commerce Center, Suite 111
551 N.W. 77th Street
Boca Raton, FL 33487
Telephone No.: (561) 989-9811
Facsimile No.: (561) 989-9812

ARC920010031US1

11

10/044,646

ANNOTATED SHEET

Annotated Sheet Showing Changes

KRISHNA ET AL.
ARC920010031US1

2/8

200

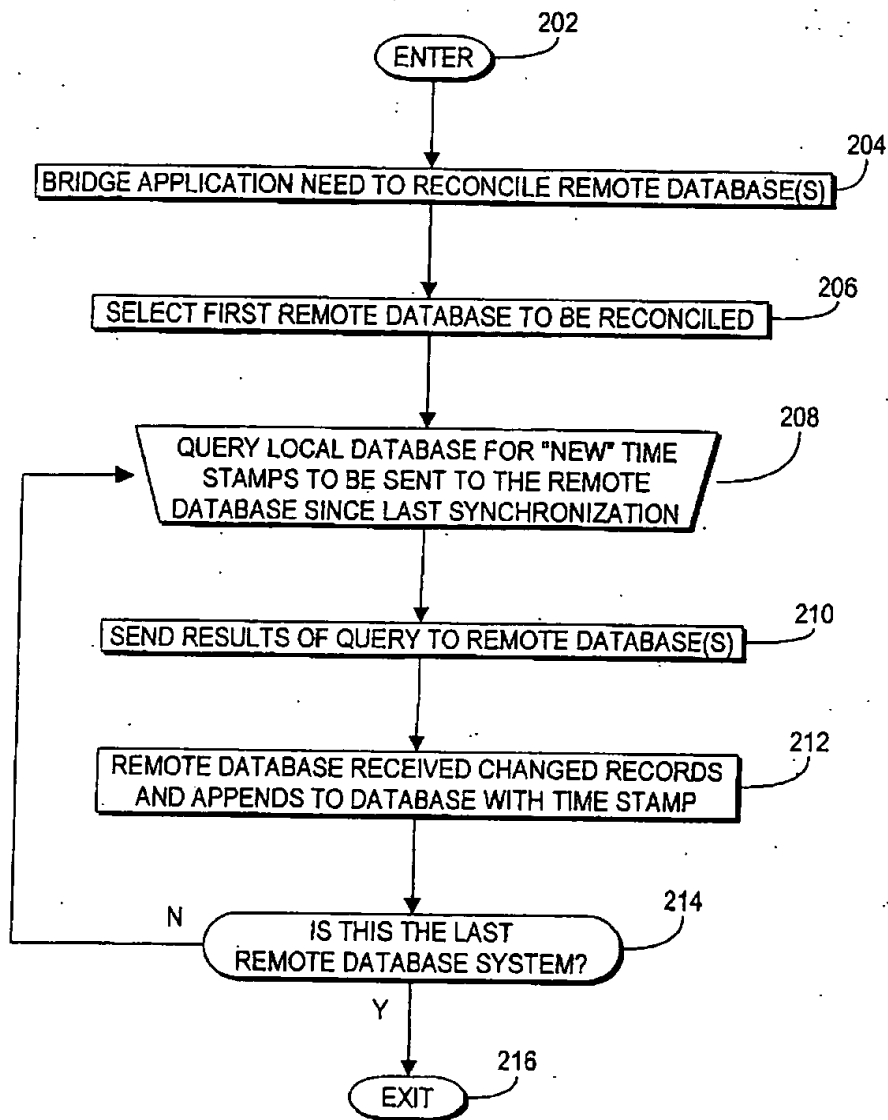


FIG. 2 (Prior Art)